

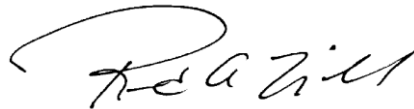
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

SANTOS D. TORRES-OLAN,	)	
	)	
Plaintiff,	)	1:22-CV-00019-RAL
	)	
vs.	)	RICHARD A. LANZILLO
	)	UNITED STATES MAGISTRATE JUDGE
	)	
ATTORNEY GENERAL OF	)	
PENNSYLVANIA, SUPERINTENDENT	)	ORDER ON PETITION FOR WRIT OF
OF SCI-HUNTINGDON, DISTRICT	)	HABEAS CORPUS
ATTORNEY OF ERIE COUNTY,	)	
	)	IN RE: ECF NO. 5
Defendants,	)	
	)	

On March 10, 2022, Petitioner, a prisoner in the custody of the Pennsylvania Department of Corrections, initiated this action by filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 5. On May 16, 2022, Respondents filed a response to the petition arguing that Petitioner's failed to exhaust state remedies. ECF No. 16. In their Response, Respondents argued that Petitioner's state court Pennsylvania Post-Conviction Relief Act (PCRA) proceeding is still awaiting final decision in Pennsylvania Superior Court. *Id.* Although the Superior Court has now rendered a decision affirming the denial of his PCRA petition, *see Commonwealth v. Torres-Olan*, 290 A.3d 650 at \*3 (Pa. Super. Ct. 2022), Petitioner has filed a petition for allowance of appeal with the Supreme Court of Pennsylvania. *See Commonwealth v. Torres-Olan*, 29 WAL 2023. This Court has independently reviewed the Supreme Court of Pennsylvania's docket and verified that Petitioner's PCRA action remains pending in that court as of this date, awaiting a final order.

Because Petitioner is currently litigating a potentially dispositive issue in state court, the Court will hereby **STAY** and **ADMINISTRATIVELY CLOSE** this case pending conclusion of that state-court proceeding. Within 30 days of the resolution of Petitioner's post-sentence proceeding, Petitioner or Respondents shall notify this Court of the outcome of that proceeding. If Petitioner does not receive the relief he seeks in state court, the Court will reopen this case and provide deadlines for supplemental briefing.

IT IS SO ORDERED this 17<sup>th</sup> day of May, 2023.

A handwritten signature in black ink, appearing to read 'R. Lanzillo', with a large, sweeping initial 'R'.

---

RICHARD A. LANZILLO  
Chief United States Magistrate Judge